UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

WORLD WRESTLING ENTERTAINMENT, INC., Plaintiff, v. JIM JONES, REKICHI TILMON, BERNARD MURRAY, THOMAS WOOD, JOSEPH RIVERA, and KENNETH JACKSON Defendants.	Civil Action No. 4:09-cv-00958

FIRST AMENDED COMPLAINT

Plaintiff World Wrestling Entertainment, Inc. ("WWE"), by and through its undersigned attorneys, alleges the following for its First Amended Complaint against Defendants.

NATURE OF THE CASE

1. This is an action for trademark infringement under the Lanham Act, 15 U.S.C. § 1051, et seq., for trademark infringement and unfair competition occasioned by Defendants' unlawful sale of counterfeit merchandise bearing unauthorized copies of WWE's registered trademark. WWE brings this action to (i) protect its reputation for distributing and selling merchandise of the highest quality and grade; (ii) prevent deception of the consuming public by Defendants; and (iii) avoid thousands of irretrievably lost sales.

PARTIES

2. Plaintiff WWE is a Delaware corporation having its principal place of business at 1241 East Main Street, Stamford, Connecticut 06902.

3. Defendant Jim Jones is an individual who was previously served with process but has not appeared in this action.

4. Defendant Rekichi Tilmon is an individual who was previously served with process but has not appeared in this action.

5. Defendant Bernard Murray is an individual who was previously served with process but has not appeared in this action.

6. Defendant Thomas Wood is an individual who was previously served with process but has not appeared in this action.

7. Defendant Joseph Rivera is an individual who was previously served with process but has not appeared in this action.

8. Defendant Kenneth Jackson is an individual who was previously served with process but has not appeared in this action.

JURISDICTION AND VENUE

9. This Court has personal jurisdiction over the Defendants because they transacted business in this State and have caused harm or tortious injury in this State by acts within this State.

10. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. § 1338(a) and (b). This Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), with respect to the state law claims asserted herein.

11. This Court is an appropriate venue for this action under 28 U.S.C. § 1391(a)(2), because a substantial part of the events giving rise to plaintiff's request for relief occurred in this district.

FACTUAL BACKGROUND

12. Since at least as early as February 1983, WWE, first doing business as the "World Wrestling Federation" and now doing business as "World Wrestling Entertainment," has provided to the public live and televised wrestling and entertainment events and services (the "WWE Wrestling Services") under the service mark WORLD WRESTLING ENTERTAINMENT®. In connection therewith, WWE has used, advertised, publicized and presented the WWE Wrestling Services, and related souvenirs, merchandise and other products ("WWE Merchandise") under the WORLD WRESTLING ENTERTAINMENT® mark (the "WWE Mark"). The WWE Mark is well known to the public and has come to identify WWE to the public as the genuine source and sponsor of WWE Wrestling Services and WWE Merchandise.

13. WWE promotes live wrestling entertainment events on a regular basis in most major cities in the United States and in many other cities throughout the world ("Live Events"). WWE does this by organizing a series of Live Events throughout the country. Most major U.S. cities will have a WWE Live Event appear in their city at least once or twice a year. WWE Live Events include all of the following types of programs: pay-per-view events; live, nationally-televised shows; television tapings; and non-televised events, known as "house shows." In addition to generating revenues through ticket sales and promoting the up-coming pay-per-views, WWE sells a significant portion of WWE Merchandise at its Live Events.

14. At and in connection with its Live Events, as well as in retail stores nationwide and via mail order and on-line catalogs, WWE sells a large variety of the WWE Merchandise featuring the WWE Mark.

15. Defendants sold unauthorized merchandise bearing the WWE Mark ("Counterfeit Merchandise") at a Live Event.

COUNT I
Trademark Infringement

16. Plaintiff hereby re-alleges, as if fully set forth herein, paragraphs 1 through 15 of this Complaint.

17. The WWE Mark on WWE Merchandise has become well and favorably known to consumers throughout the United States, including Texas, as an indication of goods emanating from or authorized by a single source, i.e., WWE.

18. Defendants' use of counterfeits of the WWE Mark on the Counterfeit Merchandise constitutes infringement of WWE's registered trademark in violation of § 32 of the Lanham Act, 15 U.S.C. § 1114.

19. The threat of the loss of WWE's right to control the use of the WWE Mark and the reputation of its goods is real and substantial. This loss is further enhanced by the inferior quality of Defendants' Counterfeit Merchandise.

20. Defendants' acts described herein infringe the WWE Mark, have injured WWE's business, reputation, and goodwill, and unless restrained and enjoined will continue to do so, all to WWE's monetary damage and irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff World Wrestling Entertainment Inc. respectfully prays:

1. That Defendants be required to account to and reimburse WWE for any and all profits which Defendants have derived from the sale of any Counterfeit Merchandise or any other souvenirs, merchandise, or memorabilia bearing the WWE Mark or any confusingly similar marks, and for any and all damages which WWE has sustained by reason of the acts complained of herein, or statutory damages.

2. That Defendants be required to pay treble the amount of any profits derived from the sale of any Counterfeit Merchandise.

3. That this Court award WWE its cost and reasonable attorneys' fees in this action.

4. That this Court grant such other and further relief as it deems just and appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff World Wrestling Entertainment, Inc. hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

WORLD WRESTLING
ENTERTAINMENT, INC.

Dated: March 29, 2010

/s John W. Patton

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CERTIFICATE OF SERVICE

In compliance with Local Rules 5.3 and 5.5 and Federal Rule of Civil Procedure 5(b), the undersigned certifies that this instrument is being served on all served Defendants at the addresses provided by such Defendants via U.S. Mail on March 29, 2010.

s/ John W. Patton
John W. Patton